

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF ARIZONA**

Kashane Kirk, as personal representative and
on behalf of the estate of Leontae Kirk,
Sharon Roberts; Brittnie Turner, as legal
guardian and parent of her minor child on
behalf of M.C.,

Plaintiffs,

v.

City of Phoenix, et al.,

Defendants.

No. CV 23-00836 PHX MTL (CDB)

ORDER

Pursuant to Rule 16 of the Federal Rules of Civil Procedure, a **telephonic scheduling conference** is set for **Tuesday, January 23, 2024, at 1:30 p.m.** Counsel for the parties shall participate in the scheduling conference **telephonically**, which shall be conducted from the Magistrate Judge's chambers and will not be conducted on the record. Counsel will be provided a conference call number via email. The parties participating in the conference shall have authority to enter into stipulations and make admissions regarding all matters which may be discussed. Accordingly,

IT IS ORDERED that:

(1) This order shall serve as notice to Plaintiffs under Rule 4(m), Federal Rules of Civil Procedure, that the Court shall dismiss this action without further notice with respect to any defendant for whom there is not a proper return of service on file establishing that service of process was accomplished within 90 days of the filing of the complaint, unless

1 the plaintiff has filed prior to the expiration of the 90-day service period a motion
2 requesting and showing good cause for an extension of time to accomplish service.

3 (2) Plaintiffs shall promptly serve a copy of this Order on all Defendants who have
4 not filed an appearance with the Court, either with service of process or promptly after
5 receipt of this order if service or waiver of service was accomplished prior to such receipt,
6 and shall promptly file a notice of such service.

7 **(3) The parties are directed to meet and confer at least twenty-one (21) days**
8 **before the conference, in accordance with Rule 26(f), Federal Rules of Civil**
9 **Procedure, to discuss the following matters:**

10 A. The nature and bases of their claims and defenses and the possibilities for
11 a prompt settlement or resolution of the case;

12 B. Any matters relating to jurisdiction or venue or the joinder of additional
13 parties;

14 C. A schedule of all pretrial proceedings;

15 D. Modification of pretrial procedures due to the simplicity or complexity of
16 the case;

17 E. Arrangements for initial disclosures in compliance with Rule 26(a)(1),
18 Federal Rules of Civil Procedure. Unless otherwise stipulated or directed by
19 the Court, initial disclosures shall be made at or within 10 days after the
20 meeting of the parties;

21 F. Any other matters which counsel believe may help dispose of the matter
22 in an efficient manner.

23 **(4) The parties shall file with the court not less than seven (7) days before the**
24 **scheduling conference, a joint report reflecting the results of their meeting and**
25 **outlining the discovery plan.** The report shall include individually numbered brief
statements indicating:

26 A. The nature of the case: the factual and legal basis of Plaintiff's claims and
27 Defendant's defenses;

28 B. The factual and legal issues genuinely in dispute and whether they can be
narrowed by stipulation or motions;

1 C. The jurisdictional basis of the case citing specific jurisdictional statutes;

2 D. The parties, if any, that have not been served and an explanation of why
3 they have not been served; and any parties which have been served but have
4 not answered or otherwise appeared;

5 E. Whether there are dispositive or partially dispositive issues to be decided
6 by pretrial motions;

7 F. The status of related cases pending before other judges of this court or
8 before other courts;

9 G. A statement of when initial disclosures were made or will be made, or any
10 proposed changes in the requirements for initial disclosures set forth in Rule
11 26(a), Federal Rules of Civil Procedure;

12 H. Proposed deadlines for:

13 (1) filing motions to amend pleadings and motions to join
14 additional parties;

15 (2) disclosure of expert testimony under Rule 26(a)(2), Federal
16 Rules of Civil Procedure and for completing expert witness
17 depositions;

18 (3) completing written discovery and the deposition of fact
19 witnesses;

20 (4) disclosure of Electronically Stored Information (“ESI”);

21 (5) filing dispositive motions; and

22 (6) conducting good faith settlement negotiations.

23 I. Estimated length of trial;

24 J. Whether a jury trial has been requested;

25 K. The prospects for settlement and whether any party wishes to have a
26 settlement conference with another Magistrate Judge. *See* LRCiv 83.10;

27 L. Any unusual, difficult, or complex problems affecting the conduct of the
28 case;

M. Any other matters which will aid the Court and the parties in resolving
this case in a just, speedy, and inexpensive manner as required by Rule 1,
Federal Rules of Civil Procedure.

1 After the conference, the Court will enter an order limiting the time within which
2 the parties may file pretrial motions, complete discovery, and file the joint pretrial
3 statement. The Court's order shall control the course of the action unless modified by
4 subsequent order.

5 The parties are expected to comply fully with the Federal and Local Rules of Civil
6 Procedure and to minimize the expense of discovery and ensure that all pleadings comply
7 with Local Rules of Civil Procedure 7.1 and 7.2.

8 Dated this 18th day of December, 2023.

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A handwritten signature in black ink, appearing to read "Camille D. Bibles", is written over a horizontal line.

Camille D. Bibles
United States Magistrate Judge